

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/08/2009 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claims 11-20, 40-50 and 69-78 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 15-17, 40, 45-47, 69 and 73-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond et al. (U.S. Patent No. 6,571,392) in view of Shoff et al. (U.S. Patent No. 6,240,555).

Referring to claim 11, Zigmond discloses determining whether to supply alternate content to a user of an interactive television service that provides video content through a content signal (**see Column 7, Lines 55-67 for determining whether to supply alternate content to a user of an interactive television service that provides video content through a content signal by determining whether to transmit an announcement to the receiver notifying the receiver that an information resource/alternate content will be transmitted on a specified channel**), the alternate content to be cached on a terminal device located at a premises of the user (**see Column 5, Lines 38-42 and Column 7, Lines 63-67 for storing the information resource at the local receiver**).

Zigmond also discloses that responsive to determining to supply the alternate content to the user of the interactive television service, sending the alternate content to a cache of the terminal device (**see Column 8, Lines 1-16 for downloading the determined/announced information resource to the memory/cache of the user's terminal device**).

Zigmond also discloses generating a hot key signal indicating availability of the alternate content and inserting the hot key signal into a content signal transmitted to the user from the interactive television service provider (**see Column 8, Lines 24-30 for a fourth event that generates and transmits a "trigger" to the receiver unit, wherein**

**Column 8, Lines 40-47 teach that the triggers are transmitted within the VBI of a content signal transmitted from an interactive television service provider (see Figure 2)) via a network with which the user and the interactive television service provider are connected (see network 208 in Figure 2 and Column 5, Lines 10-22).**

Zigmond also discloses that the hot key signal causes instructions to present for display an on-screen image overlaid on the video content, and wherein the on-screen image indicates availability of the alternate content (see Figure 2, Column 7, Lines 19-31 and Column 8, Lines 40-61 for displaying an on-screen image in the form of a web page indicating the availability of alternate content by displaying the information contained within the web page).

Zigmond further only discloses triggering the display of a locally stored information resource and does not display an option to select the locally stored information resource prior to displaying the stored information resource, thereby the trigger/hot key signal fails to teach presenting an on-screen image overlaid on the video content, wherein the on-screen image indicates availability of the alternate content, prior to displaying the alternate content.

Shoff discloses providing an on-screen image overlaid on the video content, wherein the on-screen image indicates availability of alternate content, prior to displaying the alternate content (see Figures 8b-8c and Column 19, Line 41 through Column 12, Line 23).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the trigger/hot key signal transmitted to the viewer, as

taught by Zigmond, by having the trigger/hot key signal present an on-screen image prior to display of the alternate content, as taught by Shoff, for the purpose of providing a user with the option of viewing additional information retrieved from the Internet/World Wide Web (see **Column 7, Lines 36-50 of Shoff**).

Referring to claim 15, Shoff discloses that the alternate content is related in subject matter to the video content currently being viewed by the user (see **Column 11, Lines 12-24**).

Referring to claim 16, Zigmond discloses that the network comprises a cable network (see **Column 5, Lines 18-22**).

Referring to claim 17, Shoff discloses that the network comprises a satellite network (see **Column 4, Lines 43-55**).

Referring to claims 40 and 45-47, see the rejection of claims 11 and 15-17, respectively.

Referring to claims 69 and 73-75, see the rejection of claims 11 and 15-17, respectively.

Claims 12-13, 42-43 and 70-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond et al. (U.S. Patent No. 6,571,392) in view of Shoff et al. (U.S. Patent No. 6,240,555) in further view of Kunkel et al. (U.S. Patent No. 6,477,579).

Referring to claims 12-13, Zigmond and Shoff disclose all of the limitations of claim 11, but fail to teach that determining whether to supply alternate content to the user is based on information supplied/generated by a provider of the video content.

Kunkel discloses supplying alternate content to a user based on information supplied/generated by a provider of the video content (**see headend 14 in Figures 1-2 and Column 4, Line 43 through Column 5, Line 7**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the alternate content supplying system, as taught by Zigmond and Shoff, using the information supplied/generated by the headend 14, as taught by Kunkel, for the purpose of providing a convenient, user-friendly means by which a user can quickly access Internet-based, or other, information which is related to the programming content of a currently viewed television broadcast, and can view the information on their television without the need for an expensive computer system or the necessary skills for operating such a system (**see Column 13, Lines 39-45 of Kunkel**).

Referring to claims 42-43, see the rejection of claims 12-13, respectively.

Referring to claims 70-71, see the rejection of claims 12-13, respectively.

Claims 18-20, 41, 48-50 and 76-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond et al. (U.S. Patent No. 6,571,392) in view of Shoff et al. (U.S. Patent No. 6,240,555).

Referring to claims 18-20, Zigmond and Shoff disclose all of the limitations of claim 11, but fail to teach the use of a FTTC, FTTH and VDSL network.

The examiner takes Official Notice to use of a FTTC, FTTH and VDSL network for distributing interactive television services.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the distribution networks, as taught by Zigmond and Shoff, using a FTTC, FTTH or VDSL network, as taught by the examiner's Official Notice, for the purpose of providing a faster and more reliable network distribution system for distribution interactive television services.

Referring to claims 48-50, see the rejection of claims 18-20, respectively.

Referring to claims 76-78, see the rejection of claims 18-20, respectively.

Referring to claim 41, Zigmond and Shoff disclose all of the limitations of claim 40, as well as combining the alternate/subsidiary data with the television program/primary content and transmitting the data together, but fail to teach using a multiplexing technique to combine the data together prior to transmission.

The examiner takes Official Notice to the use of multiplexing in order to combine multiple pieces of data together for transmission through a 6 MHz television channel.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the transmission system, as taught by Zigmond and Shoff, to include a multiplexer, as taught by the examiner's Official Notice, for the purpose of allowing more data to be transmitted over a television distribution network.

Claims 14, 44 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond et al. (U.S. Patent No. 6,571,392) in view of Shoff et al. (U.S. Patent No. 6,240,555) in further view of Pack et al. (U.S. Patent No. 7,337,457).

Referring to claim 14, Zigmond and Shoff disclose all of the limitations in claim 11, but fail to teach that the hot key signal comprises an IP data packet, the IP data packet having a header portion and a body portion, the body portion having a data field indicating a URL where the alternate content is located.

Pack discloses a similar system to Zigmond and Shoff, where a viewer can watch a television program and respond to alternate content displayed to the user during the viewing of the television program (**see Abstract**). Pack also discloses that the hot key signal comprises an IP data packet, the IP data packet having a header portion and a body portion, the body portion having a data field indicating a URL where the alternate content is located (**see Column 5, Line 43 through Column 8, Line 59**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the hot key signal, as taught by Watts, to include

TCP/IP encapsulated URL data, as taught by Pack, for the purpose of allowing a viewer to obtain shopping information for a desirable product which was displayed in program presentation without causing an interruption in the viewing of a television program (**see Column 2, Lines 32-37 of Pack**).

Referring to claims 44 and 72, see the rejection of claim 14.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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